

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Dennis Durell Hoskins**  
Docket No. **277723**  
L.C. No. **05-025891-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal and motion to appoint counsel filed on April 26, 2007, are DISMISSED for lack of jurisdiction because the application was not filed within 12 months of the April 13, 2006 judgment of sentence as required by MCR 7.205(F)(3) and neither of the two exceptions found in MCR 7.205(F)(4) applies. The Court is aware that the trial court bounced back and forth during the postjudgment period regarding whether to give the defendant additional jail credit. However, ultimately the sentence of the defendant was the same as was given to the defendant in the original April 13, 2006 judgment of sentence. That constituted a denial of postjudgment relief to the defendant. That meant the defendant either had 21 days from the order of March 5, 2007, or 12 months from the April 13, 2006 judgment of sentence, whichever was later, to file this application for leave to appeal. The later period was 12 months from the April 13, 2006, a period defendant did not satisfy.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 11 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk